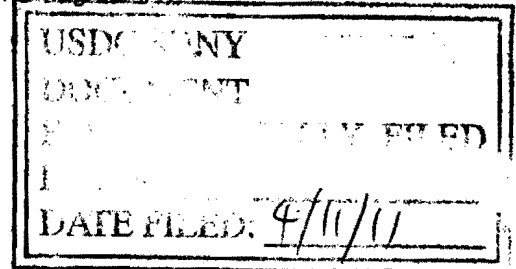


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE LOWER MANHATTAN DISASTER SITE
LITIGATION

-----X
YAROSLAV OUGLYK,

Plaintiff,

-against-

B.C.R.E. 90 WEST STREET LLC, *et al.*,

Defendants.

Case No.: 21 MC 102(AKH)

Docket No.: 10-CV-6864

**STIPULATION OF
DISCONTINUANCE AS TO
DEFENDANT, NEW YORK CITY
ECONOMIC DEVELOPMENT
CORPORATION ONLY**

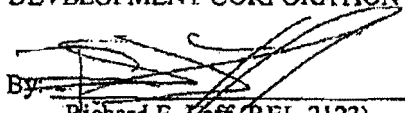
IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action. and based on the representation of the within defendant, and to the extent of Plaintiff can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendant *NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION*, only as to the claims being made as to the premises located at One Liberty Plaza, New York, New York and 78-86 Trinity Place, New York, New York shall be and the same hereby are discontinued without prejudice without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the court of the litigation which determines that the *NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION* is proper party to this suit, that plaintiff may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

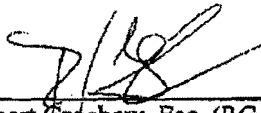
This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
March 30, 2011

McGIVNEY & KLUGER, P.C.
Attorneys for Defendant
NEW YORK CITY ECONOMIC
DEVELOPMENT CORPORATION

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DO ORDERED

4/8/11


U.S.D.J.